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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/483,543	01/14/2000	Tom MUIR	600-1-259	600-1-259 8524	
110 759	90 02/09/2004		EXAMINER		
DANN, DORFMAN, HERRELL & SKILLMAN			WEBER, JON P		
1601 MARKET STREET SUITE 2400		ART UNIT	PAPER NUMBER		
	PHILADELPHIA, PA 19103-2307		1651		

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

•	Application No.	Applicant(s)			
Advisory Action	09/483,543	MUIR ET AL.			
Advisory Action	Examiner	Art Unit			
	Jon P Weber, Ph.D.	1651			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
THE REPLY FILED 26 January 2004 FAILS TO PLACE Therefore, further action by the applicant is required to a inal rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appears Examination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this application in the same of th	ation. A proper repl h places the applica	y to a ition in		
PERIOD FOR R	EPLY [check either a) or b)]				
a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this no event, however, will the statutory period for reply expire ONLY CHECK THIS BOX WHEN THE FIRST REPLY WA 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The ee have been filed is the date for purposes of determining the period ee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of 2) as set forth in (b) above, if checked. Any reply received by the Off imely filed, may reduce any earned patent term adjustment. See 37	Advisory Action, or (2) the date set forth later than SIX MONTHS from the mailin S FILED WITHIN TWO MONTHS OF The date on which the petition under 37 CF of extension and the corresponding amount the shortened statutory period for replying later than three months after the mai	g date of the final rejecting FINAL REJECTION.  R 1.136(a) and the approperation of the fee. The appropriationally set in the final	on. See MPEP opriate extension ropriate extension Office action; or		
1. A Notice of Appeal was filed on Appellant' 37 CFR 1.192(a), or any extension thereof (37 CF					
<ol><li>The proposed amendment(s) will not be entered be</li></ol>	ecause:				
(a) they raise new issues that would require furth	er consideration and/or search (	see NOTE below);			
(b) they raise the issue of new matter (see Note	below);		:		
(c) they are not deemed to place the application issues for appeal; and/or	in better form for appeal by mate	rially reducing or sir	mplifying the		
(d) they present additional claims without cancel	ing a corresponding number of f	inally rejected claim	s.		
NOTE:					
3. Applicant's reply has overcome the following rejection	tion(s):				
<ol> <li>Newly proposed or amended claim(s) would canceling the non-allowable claim(s).</li> </ol>	I be allowable if submitted in a se	eparate, timely filed	amendment		
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request fo application in condition for allowance because: se		idered but does NO	T place the		
6. The affidavit or exhibit will NOT be considered becaused by the Examiner in the final rejection.	cause it is not directed SOLELY t	o issues which were	e newly		
7. For purposes of Appeal, the proposed amendmen explanation of how the new or amended claims w			and an		
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed: 95.					
Claim(s) objected to: 94.			ľ		
Claim(s) rejected: 78-93.					
Claim(s) withdrawn from consideration:					
8.☐ The drawing correction filed on is a)☐ app	proved or b) disapproved by t	he Examiner.			
9. Note the attached Information Disclosure Stateme	nt(s)( PTO-1449) Paper No(s)				
		y mill	~		
		Jon P Weber, Ph.D Primary Examiner	).		
		Art Unit: 1651			

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Application/Control Number: 09/483,543

Art Unit: 1651

## Status of the Claims

The response with amendments filed 14 August 2003 has been received and entered.

Claims 78-95 have been presented for examination.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### Claim Rejections - 35 USC § 112

The rejections under 35 U.S.C. 112, second paragraph are withdrawn in view of the amendments.

### Claim Rejections - 35 USC § 102/103

Claims 78-80, 82-90 and 93 stand rejected under 35 U.S.C. 102(e) as being anticipated by Pollok et al. (US 6,410,255).

Claims 78-79, 82-90, and 93 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 5,795,729).

Claims 78-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollok et al. (US 6,410,255) and Lee (US 5,795,729) in view of Haugland (1992).

It is argued that post-translational type modification does not necessarily require a conformation change in a protein and therefore the peptides in the relied upon references are not inherently encompassed by the claims.

Any peptide for which a translational type modification did not result in a conformation change would not be encompassed by the claims because it would not be enabled under 112, first paragraph. Hence, only those peptides that are fully enabled are encompassed by the claims. For such peptides, the conformation change in response to the post-translational type modification are inherently anticipated by the relied upon references.

Applicant's arguments filed 26 January 2004 have been fully considered but they are not persuasive. The rejections under 35 U.S.C. 102 and 103 are adhered to for the reasons of record and the additional reasons above.

#### Allowable Subject Matter

Claims 94 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 95 is allowed.